

House Amendment to
Senate File 228

S-3108

1 Amend Senate File 228, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. NEW SECTION. **668.12A No liability for**
6 **negligent hiring in actions involving commercial motor vehicles.**

7 1. In any civil action involving the operation of a
8 commercial motor vehicle requiring a commercial driver's
9 license, there shall not be civil liability for damages for
10 an employer's negligent hiring of an employee if all of the
11 following apply:

12 a. The employer complies with subsection 2.

13 b. The employee's actions that caused the claimant damage
14 are within the course and scope of the employee's employment.

15 2. On motion of an employer who is a defendant in a civil
16 action involving the operation of a commercial motor vehicle
17 requiring a commercial driver's license, a trial court shall
18 dismiss from the civil action any claim of the employer's
19 direct negligence in hiring the employee driver, if the
20 employer stipulates that at the time of the event that caused
21 the damages that are the subject of the civil action all of the
22 following are true:

23 a. The person whose negligence is alleged to have caused the
24 damages was the employer's employee.

25 b. The person whose negligence is alleged to have caused the
26 damages was acting within the course and scope of employment
27 with the employer.

28 3. If an employer makes the stipulations in subsection 2
29 with respect to an employee, and the employee's negligence is
30 found to have caused or contributed to causing the damages, the
31 employer's liability for negligent hiring shall be adjudged
32 solely on the basis of respondeat superior.

33 4. As used in this section:

34 a. "*Commercial motor vehicle*" means as defined in section
35 321.1, subsection 11, paragraph "f", subparagraphs (1), (2),

1 and (4), and also includes a glider kit vehicle as defined in
2 section 321.1, subsection 28A; a road tractor as defined in
3 section 321.1, subsection 64A; a towing or recovery vehicle as
4 defined in section 321.1, subsection 83A; and a truck tractor
5 as defined in section 321.1, subsection 88.

6 *b. "Operation"* means actual physical control of a commercial
7 motor vehicle upon a highway as defined in section 321.1.

8 **Sec. 2. NEW SECTION. 668.15A Noneconomic damages —**
9 **commercial motor vehicle owners or operators.**

10 1. As used in this section:

11 *a. "Commercial motor vehicle"* means as defined in section
12 321.1, subsection 11, paragraph "f", subparagraphs (1), (2),
13 and (4), and also includes a glider kit vehicle as defined in
14 section 321.1, subsection 28A; a road tractor as defined in
15 section 321.1, subsection 64A; a towing or recovery vehicle as
16 defined in section 321.1, subsection 83A; and a truck tractor
17 as defined in section 321.1, subsection 88.

18 *b. "Inflation"* means the annual percentage change in the
19 United States department of labor, bureau of labor statistics,
20 consumer price index for all urban consumers for the midwest
21 region, all items, or its successor index.

22 *c. "Noneconomic damages"* means damages arising from
23 pain, suffering, inconvenience, physical impairment, mental
24 anguish, emotional pain and suffering, loss of chance, loss of
25 consortium, or any other nonpecuniary damages.

26 *d. "Operation"* means actual physical control of a commercial
27 motor vehicle upon a highway as defined in section 321.1.

28 2. The total amount recoverable per plaintiff against the
29 owner or operator of a commercial motor vehicle for noneconomic
30 damages for personal injury or death in a civil action
31 involving the operation of a commercial motor vehicle requiring
32 a commercial driver's license, whether in tort or otherwise,
33 is five million dollars. This limitation on damages applies
34 regardless of the number of derivative claims or theories of
35 liability in the civil action, subject to subsection 3.

1 3. Upon motion by any plaintiff in a civil action against
2 the owner or operator of a commercial motor vehicle requiring a
3 commercial driver's license and prior to entry of judgment by
4 the trial court, the trial court shall not apply the limitation
5 on damages set forth in subsection 2 if the trial court finds,
6 by a preponderance of the evidence, that the negligent act
7 leading to the plaintiff's claimed harm involved any of the
8 following:

9 *a.* Operating a commercial motor vehicle with an alcohol
10 concentration, as defined in section 321J.1, of .04 or more.

11 *b.* Operating a commercial motor vehicle under the influence
12 of a drug.

13 *c.* A refusal to submit to chemical testing required under
14 chapter 321J.

15 *d.* A felony involving the use of a motor vehicle.

16 *e.* The use of a commercial motor vehicle involving the
17 manufacturing, distributing, or dispensing of a controlled
18 substance as defined in section 124.101; not including the
19 lawful transport for hire of a controlled substance.

20 *f.* Knowingly operating a commercial motor vehicle without
21 a proper license, or while the person's commercial driver's
22 license is revoked, suspended, or canceled, or while the person
23 is otherwise disqualified from operating a commercial motor
24 vehicle.

25 *g.* Operating a commercial motor vehicle without the
26 possession of a commercial driver's license or commercial
27 learner's permit valid for the vehicle operated.

28 *h.* Operating a commercial motor vehicle involving an act or
29 practice of human trafficking as defined in section 710A.1.

30 *i.* Reckless driving, as described in section 321.277.

31 *j.* Use of an electronic communication device while driving,
32 as described in section 321.276.

33 *k.* Speeding fifteen miles per hour or more over the legal
34 speed limit.

35 *l.* Violating any state or local law or ordinance restricting

1 or prohibiting the use of a mobile telephone, computer,
2 tablet, or other device that is not a part of the vehicle while
3 operating the vehicle.

4 4. a. The limitation on damages set forth in subsection
5 2 does not apply to any case involving operation of a vehicle
6 that does not require a commercial driver's license.

7 b. The limitation on damages set forth in subsection 2
8 does not apply to a civil action involving the operation of
9 a commercial motor vehicle serving as a common carrier of
10 passengers, or a commercial motor vehicle that is primarily
11 engaged in transporting passengers, or a commercial motor
12 vehicle as defined in section 321.1, subsection 11, paragraph
13 "f", subparagraph (3); commercial vehicle as defined in section
14 321.1, subsection 12, paragraph "c"; school bus as defined in
15 section 321.1, subsection 69; or other passenger transport.

16 5. The limitation on damages set forth in subsection 2
17 shall be adjusted for inflation by the secretary of state on
18 January 1, 2028, and on January 1 of each even-numbered year
19 thereafter. The secretary of state shall certify and publish
20 the adjusted limitation on damages within fourteen days after
21 the appropriate information is available.

22 Sec. 3. Section 668A.1, subsection 2, paragraphs a and
23 b, Code 2023, as amended by 2023 Iowa Acts, House File 161,
24 section 4, are amended to read as follows:

25 a. If the answer or finding pursuant to [subsection 1](#),
26 paragraph "b", is affirmative, or if the claim is against any
27 physician and surgeon, osteopathic physician and surgeon,
28 dentist, podiatric physician, optometrist, pharmacist,
29 chiropractor, physician assistant, or nurse, licensed under
30 chapter 147, or a hospital licensed under chapter 135B, arising
31 out of patient care, or if the claim is part of a civil action
32 involving the operation of a commercial motor vehicle, then the
33 full amount of the punitive or exemplary damages awarded shall
34 be paid to the claimant.

35 b. If the answer or finding pursuant to [subsection 1](#),

1 paragraph "b", is negative, and if the claim is not against
2 any physician and surgeon, osteopathic physician and surgeon,
3 dentist, podiatric physician, optometrist, pharmacist,
4 chiropractor, physician assistant, or nurse, licensed under
5 chapter 147, or a hospital licensed under chapter 135B,
6 arising out of patient care, and if the claim is not part of
7 a civil action involving the operation of a commercial motor
8 vehicle, then after payment of all applicable costs and fees,
9 an amount not to exceed twenty-five percent of the punitive or
10 exemplary damages awarded may be ordered paid to the claimant,
11 with the remainder of the award to be ordered paid into a
12 civil reparations trust fund administered by the state court
13 administrator. Funds placed in the civil reparations trust
14 shall be under the control and supervision of the executive
15 council, and shall be disbursed only for purposes of indigent
16 civil litigation programs or insurance assistance programs.>